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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,694	04/04/2001	Behnam Azvine	36-1449	5931

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EXAMINER

ALI, SYED J

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,694

Applicant(s)

AZVINE ET AL.

Examiner

Syed J. Ali

Art Unit

2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12 and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

20

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 11, 2005 has been entered. Claims 1-10, 12, and 16-19 are presented for examination.

2. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Objections

3. **Claim 1 is objected to because of the following informalities:**

a. In line 10 of claim 1, "of second type" should read "of a second type".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. **Claims 1-10, 12, and 16-19 rejected under 35 U.S.C. 103(a) as being unpatentable over Retallick (USPN 6,006,215).**

5. As per claim 1, Retallick teaches the invention as claimed, including an apparatus for controlling the communication loads placed upon a human user by a computer system, the

Art Unit: 2195

computer system comprising a plurality of information management systems, each of the information management systems being operable to assist and communicate with the human user, the apparatus comprising:

- (i) receiving means for receiving at least one input representative of at least one task of a first type to be performed by the information management system (col. 5 lines 39-41; col. 10 lines 28-30) and for receiving information resulting from the performance of said at least one task of said first type from the information management system (col. 10 lines 30-38);
- (ii) generating means for generating a task of a second type for communicating the received information to the human user (col. 5 lines 45-65; col. 10 lines 38-44);
- (iii) scheduling means for:
 - a) receiving a user workload input representative of user workload identifying the user's current and future activities (col. 6 line 61 - col. 7 line 22); and
 - b) delaying or deferring an execution time for said at least one task of a second type for communicating the received information to the human user so as to avoid the user's current and future activities identified by the user workload input (col. 7 lines 10-15, 23-28).

6. The method of workflow management disclosed by Retallick differs slightly in some respects from the invention as claimed. The claimed invention indicates that tasks of a second type are "generated" for communicating results to "a human user", which implies that the process of receiving results and returning them to the user is fully automated. It is noted that the

Art Unit: 2195

main embodiment of Retallick pertains to another human user performing the step of returning results. However, Retallick also seeks to provide business automation, and provides for ways of removing the user from the process of performing activities (col. 5 lines 12-18, 39-41; col. 10 lines 35-38). Thus, in at least one embodiment, Retallick teaches generating a second task to communicate the received information to the user.

While Retallick does not specifically state that the execution time for delivery of the results is rescheduled according to the user's workload, such disclosure is obvious from the teachings therein. For instance, the Task Delegation module builds a database of all the user's workloads and allocates tasks accordingly. This task allocation includes the task of "a second type", i.e. returning results to the initiating user. Once this database has been built, the user's workload is monitored "for available time" (col. 7 lines 10-15). By allowing the user to "regulate his/her workload" (col. 7 lines 20-22), Retallick obviously allows the task to be allocated, i.e. scheduled, to avoid the user's current and future activities, as claimed.

7. As per claim 2, Retallick teaches the invention as claimed, including the apparatus according to claim 1, wherein when the input comprises a change to a previously received input, the scheduling means operable to change the execution time associated with the previously received input, thereby rescheduling communication of the information associated with the previously received input (col. 15 lines 49-62).

8. As per claim 3, Retallick teaches the invention as claimed, including the apparatus according to claim 1, wherein the apparatus further includes a world model, which world model comprises at least one parameter associated with each input, and is accessible to the scheduling means (col. 3 lines 47-62).

9. As per claim 4, Retallick teaches the invention as claimed, including the apparatus according to claim 3, wherein the parameters include at least one of a start time of each task, a deadline time of each task, a duration of each task and/or interruption status of the human user (col. 3 lines 47-62).

10. As per claim 5, Retallick does not specifically teach that an entity can explicitly specify the interruption status for allowing or not allowing interrupting the human user. However, Retallick discusses a user having the ability to indicate a level of availability, such that a task may be delegated to a more appropriate recipient (col. 6 line 61 - col. 7 line 28). Retallick also discloses alleviating a workload when a user has a workload that is difficult to manage (col. 7 lines 23-28). It would have been obvious to one of ordinary skill in the art to modify the Task Delegation module of Retallick to allow a user to indicate whether interruption should be allowed, as a user with a high workload or an unavailable user would not want to be disturbed in the midst of a burdensome activity load.

11. As per claim 6, Retallick teaches the invention as claimed, including the apparatus according to claim 1, including means for storing human user preference information, which user preference information includes preferred actions of the human user relating to task information (col. 6 line 61 - col. 7 line 28).

12. As per claim 7, Retallick teaches the invention as claimed, including the apparatus according to claim 3, wherein the world model is maintained by a diary, the diary being responsive to inputs from the execution means and schedules execution of the said task to occur in a free timeslot of the diary (col. 4 lines 1-12; col. 7 lines 14-16).

13. As per claim 8, Retallick teaches the invention as claimed, including the apparatus for assisting in the management of information flows for a human user (col. 6 line 61 - col. 7 line 28).

14. Retallick does not specifically indicate the apparatus includes means operable to concurrently execute a plurality of processes. However, Retallick is disclosed within a modern computing environment that seeks to improve productivity and efficiency by arranging the activity planning of a business environment (col. 1 lines 34-47). It is logical and obvious that the computing means that are implicit in Retallick (col. 1 lines 7-15) would be of the type that are multi-threaded or are able to support multi-processing.

15. As per claim 9, Retallick teaches the invention as claimed, including the apparatus according to claim 1, wherein the information management systems include at least one of a diary assistant, an email assistant, a telephone assistant, and a web assistant (col. 3 lines 47-62).

16. As per claim 10, Retallick teaches the invention as claimed, including the apparatus according to claim 1, further comprising means responsive to an input signal, wherein the scheduling means is further arranged to schedule an execution time for a task in dependence on the received input (col. 6 line 61 - col. 7 line 28).

17. While Retallick does not specifically address the state of mind of a human user, there is a provision to allow a user to alter a workload based on a current and future activity load. While Retallick discusses the workload in general terms, the state of mind of a user goes to their abilities to handle allocated tasks and activities. Taking into account the state of mind of a user is an obvious modification, or a restatement, of the Task Delegation module's function.

18. As per claim 12, Retallick does not specifically teach the receiving means (i) being further operable to receive the input indicative of an interruption status for the user. The limitations are substantially similar to those presented in claim 5, and the discussion in paragraph 10 regarding allowing a user to specify an interruption status pertains to the present claim also.

19. As per claim 16, Retallick teaches the invention as claimed, including a method embodied as a computer program, or a suite of computer programs, comprising a set of

Art Unit: 2195

instructions, or a suite of a set of instructions, to cause a computer to perform the method according to claim 17 (col. 1 lines 7-10).

20. As per claim 17, Retallick teaches the invention as claimed, including a method performing the steps carried out by the apparatus of claim 1 (col. 1 lines 31-33).

21. As per claim 18, Retallick teaches the invention as claimed, including a method according to claim 17 further including the step of enabling the information management systems to perform the task of a second type at the scheduled execution time (col. 3 lines 54-57).

22. As per claim 19, Retallick teaches the invention as claimed, including a method embodied as a digital data carrier containing computer accessible code for loading into a computer for the performance of claim 17 (col. 1 lines 10-15).

Response to Arguments

23. **Applicant's arguments with respect to claims 1-10, 12, and 16-19 have been considered but are moot in view of the new grounds of rejection.**

Conclusion

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed J Ali whose telephone number is (571) 272-3769. The examiner can normally be reached on Mon-Fri 8-5:30, 2nd Friday off.


Art Unit: 2195

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Syed Ali
August 26, 2005


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